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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE**
12 **DISTRICT OF THE NORTHERN MARIANA ISLANDS**

13 **ANGELITO TRINIDAD, et al.,**

14 **CIVIL ACTION NO. 97-0073**

15 **Plaintiffs,**

16 **vs.**

17 **JOHN S. PANGELINAN, et al.,**

18 **Defendants.**

19
20 **COMBINED MOTION**
TO VACATE WRIT OF
ATTACHMENT AND DIRECT
RENTAL PAYMENTS TO
PLAINTIFFS' COUNSEL
and
MOTION TO SHORTEN TIME

21
22 **MOTION**

23 Plaintiffs, through counsel Lillian A. Tenorio, respectfully move this court
24 to vacate the Order of Writ of Attachment entered on July 11, 2000, and to direct
25 that all rent payments by Marianas Seaside Development Corporation for the lease
26 of Lot No. 014-D-03 be paid to the Plaintiffs' lead attorney Robert T. Torres.
27

28 Plaintiffs also request that said Combined Motion be heard on shorten time on

1 December 14, 2006, at 9 am, together with their prior Motion to Confirm Sale of
2 Real Property (Lot No. E.A. 222). *See* L. Tenorio Decl. attached as Ex. "A."

3
4 In further support of this Combined Motion, Plaintiffs state as follows:

5 1. To collect on the judgment, Plaintiffs successfully levied execution and
6 purchased Lot No. 014-D-03 located in Garapan, Saipan, along with three other
7 parcels belonging to defendants John S. Pangelinan and Merced B. Pangelinan's
8 interest. *See* Order Confirming Sale of Fee Simple Determinable Estates in Four
9 Parcels of Real Property, No. 293 (July 13, 2001).

10
11 2. Prior to the confirmation of the sale of the property and after finding that
12 Marianas Seaside Development held a leasehold interest in Lot No. 014-D-03, the
13 Court issued an Order of Writ of Attachment on July 11, 2000. In that Order, the
14 Court directed that all and any amounts owed by Marianas Seaside to John S.
15 Pangelinan as rental payments for Lot No. 014-D-03, be paid to the Plaintiffs
16 through their then attorney Charles R. Rotbart. *See* Order of Writ of Attachment
17 (July 11, 2000). The court subsequently amended the Writ of Attachment and
18 directed that all payments be made to the Clerk of Court. *See* Order Directing
19 Disbursements of Rental Payments (Dec. 12, 2002).

20
21 3. In 2002, the Ninth Circuit upheld this court's confirmation of the sale of
22 the four lots, including Lot No. 014-D-03, to Plaintiffs in fee simple determinable
23 estates for a term of 55 years. *See* *Trinidad v. Pangelinan*, U.S. Court of Appeals

for the Ninth Circuit, Appeal No. 00-15697 (a consolidated appeal including Appeal Nos. 00-15705, 00-16630, and 01-16622) (Memorandum Decision at 6-7, March 19, 2002). As to defendants' appeal on the Writ of Attachment, the Ninth Circuit refused to entertain it. *Id.* at 6.

4. Subsequently, on January 8, 2004, this court entered a Notice of Order Denying Defendants' Motion for An Accounting and Granting Plaintiffs' Motion for Sanctions. In denying defendants' motion, the court explained that, because the four parcels had been sold to the Plaintiffs, defendants have no interest in the real property for the 55-year period and no interest from the income derived therefrom.

5. As such, all lease payments for that 55-year term from Marianas Seaside Development Corporation belongs to Plaintiffs pursuant to their fee simple determinable estate for 55 years in Lot No. 014-D-03. *Id.* Currently paid to the Clerk of Court which disburses the monthly rental received to Plaintiffs' lead counsel, the rental payments should be directed and paid to Mr. Torres's law office.

CONCLUSION

Based on the foregoing, Plaintiffs requests that the Court enter an Order as follows:

1. To Vacate the Order of Writ of Attachment entered on July 11, 2000; and

2. To direct that any and all payments owed by Marianas Seaside Development Corporation, or any of its successor or assigns, be paid to the Plaintiffs through the office of Robert T. Torres, Attorney at Law, Plata Drive, Whispering Palms (Chalan Kiya), PO Box, 503758, Saipan, MP 96950.

Respectfully submitted this 24th day of November 2006.

/s/
Lillian A. Tenorio
Attorney for Plaintiffs